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EXAMINER
CHONG CRUZ, NADJA N

ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 February 2010_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3,12,14,23 and 25_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,3,12,14,23 and 25_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _16 November 2009_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   This is a Final office action in reply to the response filed on 22 February 2010.

2.   Claims 1, 3, 12, 14, 23 and 25 have been amended.

3.   Claims 1, 3, 12, 14, 23 and 25 are currently pending and have been examined.

4.   The rejections of claims 1, 3, 12, 14, 23 and 25 have been updated to reflect the amendments.

Election/Restrictions

5.   Applicant's new election of Specie II in the reply filed on 18 August 2009 is not proper. The concept of Specie II was previously discussed in the action mailed on 27 March 2009 in page 2, however, Applicant elected the concept of Species I on 8 April 2009.

6.   The examiner did not provide a species-to-claim identification because as per MPEP 806.04 (e) [R-5] Claims Limited to Species "Claims are definitions >or descriptions< of inventions. Claims >themselves< are never species. The scope of a claim may be limited to a single disclosed embodiment (i.e., a single species, and thus be designated a specific species claim)*>. Alternatively,< a claim may *>encompass< two or more of the disclosed embodiments** (and thus be designated a generic or genus claim). Species * always   >refer to< the * different embodiments >of the invention<."

7.   The Examiner did identify a generic claim in the action mailed on 27 March 2009 in page 3: "Currently, claim 1 is generic." Claims 12, 23 and 34 are similar in scope to claim 1. MPEP 806.04 (d) [R-3] defines a generic claim as "** In general, a generic claim should *>require< no material element additional to those **>required by< the species claims, and ** each of the species >claims must require all the limitations of the generic claim<." Therefore, regardless which specie is selected claims 1, 12, 23 and 34 are also included. The traversal is on the ground(s) that the "(1) "[t]he claim of Species I all depend from the generic claims as having further restriction on the desired target value or strategic objective measure by imposing a "range" on the "desired target value" or on the "strategic objective measure and, as such, can not exist as stand alone claims of Species 1 without the generic claims 1, 12, 23 and 34. [...] we believe Species I should be included". As explained above regardless which species is selected claims 1, 12, 23 and 34 e.g., generic claims, are also included and since Applicant elected Species I, claims 1, 3, 12, 14, 23 and 25 are already included; (2) "Species II claims should be included" This is not found persuasive because as explained above Applicant previously elected the concept of Species I.

Response to Amendment

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

9.   The objection of the specification in the previous office action is withdrawn, in response to Applicant's amendments. The examiner thanks the applicant for correcting this minor flaw.

10.   The rejection of claims 34-36 under 35 USC § 112 second paragraph is withdrawn in light of Applicant's amendment.

11.   The obviousness-type double patenting of claims 1, 12, 23 and 34 rejected under obviousness-type double patenting as being unpatentable over claims 1, 7, 13 and 19 of copending application No. 10/710,384 is withdrawn because copending application no. 10/710,384 was abandoned on 08/13/2009.

12.   With regard to the request to temporarily delay further examination: Rule 1.103 says suspension

        needs two things (1) showing of good and sufficient cause and 2) fee as set forth in 1.17(g).

        Applicant has not shown a good and sufficient cause and the fees are not paid, therefore a

        request to temporarily delay further examination is not granted.

Double Patenting

13.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in

        public policy (a policy reflected in the statute) so as to prevent the unjustified or improper

        timewise extension of the "right to exclude" granted by a patent and to prevent possible

        harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection

        is appropriate where the conflicting claims are not identical, but at least one examined application

        claim is not patentably distinct from the reference claim(s) because the examined application

        claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g.,

        In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

        USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re*

        Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ

        619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

14.   A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to

        overcome an actual or provisional rejection based on a nonstatutory double patenting ground

        provided the conflicting application or patent either is shown to be commonly owned with this

        application, or claims an invention made as a result of activities undertaken within the scope of a

        joint research agreement.

15.   Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer.

        A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

16.   Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as

        being unpatentable over claim 1 of copending application No. 10/710,385. The conflicting claims

        are not identical, because copending claim 1 requires the additional steps of "listing a plurality of

measures to be used for scheduling...", "selecting a primary measure for said scheduling...",

"listing a plurality of constraints..." not required by claim 1 in the instant application. However the

conflicting claims are not patentably distinct from each other because:

Claim 1 (instant) and claim 1 (copending) recite common subject matter: the use of strategic

objectives to define modifications to process (e.g., existing work) or schedules);

Whereby the elements of claim 1 (instant) are fully anticipated by copending claim 1, and

anticipation is "the ultimate or epitome of obviousness" (*In re Kalm*, 154 USPQ 10 (CCPA 1967),

also *In re Dailey*, 178 USPQ 293 (CCPA 1973) and *In re Pearson*, 181 USPQ 641 (CCPA 1974)).

This is a provisional obviousness-type double patenting rejection because the conflicting claims

have not in fact been patented.

Claim Objections

17.   Claim 1 is objected to because of the following informalities: claim 1 recites in step o: "repeating

steps h, I, j, k, I, m, n and o above". It seems that the sequence of the steps was inadvertently not

updated. Appropriate correction is required.

Claim Rejections - 35 USC § 112

18.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

19.   Claims 1, 3, 12, 14, 23 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

20.   As per claim 1 recite *the primary strategic objective, the possible measures, the primary strategic*

objective measure, said modified databases, and As per claim 12 recite *said users.* There is

insufficient antecedent basis for these limitations in the claim.

21.   As per claim 3 recites *an allowable range.* Examiner is not clear how the allowable range is set?

How it is determined to be allowable? Appropriate correction is required.

22.   As per claim 1 recites the limitation *the possible measures*. To what requisite degree are the measures possible?, what are the metes and bounds of "possible". As per claim 12 recites the limitation *desired strategic objective goal*. To what requisite degree is a strategic objective goal desired?, what are the metes and bounds of "desired". Those limitations are vague and indefinite, the limitations fails to further limit the claims, and furthermore one ordinary skill in the art would no be able to ascertain the metes and bounds of the limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 101

23.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

24.   Claims 1 and 3 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent and recent Federal Circuit decisions, *88 USPQ2d 1385 In re Bilski U.S. Court of Appeals Federal Circuit*. A method claim must meet a specialized, limited meaning to qualify as a patent-eligible process claim. As clarified in *Bilski,* The test for a method claim is whether the claimed method is (1) tied to a particular machine or apparatus, or (2) transforms a particular article to a different state or thing. This is called the "machine or-transformation test" (see at least *Diamond v.* Diehr, 450 U.S. 175, 184 (1981); *Parker v.* Flook, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v.* Benson, 409 U.S. 63, 70 (1972); *Cochrane v.* Deener, 94 U.S. 780, 787-88 (1876).

25.   There are two corollaries to the machine-or-transformation test. First, a mere field-of-use limitation is generally insufficient to render an otherwise ineligible method claim patent eligible. This means the machine or transformation must impose meaningful limits on the method claim's scope to pass the test. Second, insignificant extra-solution activity will not transform an unpatentable principle into a patentable process. This means reciting a specific machine or a particular transformation of a specific article in an insignificant step, such a data gathering or outputting, is not sufficient to pass the test.

26.   There are two corollaries to the machine-or-transformation test. First, a mere field-of-use limitation is generally insufficient to render an otherwise ineligible method claim patent eligible. This means the machine or transformation must impose meaningful limits on the method claim's scope to pass the test. Second, insignificant extra-solution activity will not transform an unpatentable principle into a patentable process. This means reciting a specific machine or a particular transformation of a specific article in an insignificant step, such a data gathering or outputting, is not sufficient to pass the test.

27.   Nominal recitations of structure in an otherwise ineligible method fail to make the method a statutory process. See Benson, 409 U.S. at 71-72. As Comiskey recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." Comiskey, 499 F.3d at 1380 (citing In re Grams, 888 F.2d 835, 839-40 (Fed. Cir.1989)).

28.   Incidental physical limitations, such as data gathering, field of use limitations, and post-solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of structure in a method claim do not convert an otherwise ineligible claim into an eligible one. Claim 3 inherit the same deficiencies as claim 1 and are therefore rejected for the same reasons as claim 1.

29.   It is also noted that the mere recitation of a machine in the preamble in a manner such that the machine fails to patentably limit the scope of the claim does not make the claim statutory under 35 U.S.C. § 101, as seen in the Board of Patent Appeals Informative Opinion Ex parte Langemyr et al. (Appeal 2008-1495).

30.   Claims 23 and 25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As recited, claim 23 is directed toward a computer readable media encoded with a computer program; software per se. However, under the current guidelines of 35 USC 101, computer software <u>must</u> be tangibly embodied on a computer readable medium, and, when executed by a computer processor, perform the steps of the software. In their broadest reasonable interpretation and in light of the specification, claim 23, as recited, can be interpreted to be embodied on abstract mediums such as carrier waves and signals, and therefore not eligible for patent protection. Accordingly, claim 23 is not eligible for patent protection. Further, Claim 23 discloses *a data structure* where values (e.g., primary strategic objective, strategic objective measure and/or goal, etc.) are store in it, the computer program is not executed, and it seems that it only stores data. Examiner suggests drafting the preambles to read "computer-readable medium encoded with a computer program, that when executed by a processor, perform the steps/method of".

Response to Arguments

31.   Applicant's arguments received on 16 November 2009 have been fully considered but are not persuasive.

32.   With regard to claims 1, 12 and 23, Applicant argues that the prior art of record, specifically that (1) Pothos *can not determine form those changes what the impact would be on the strategic objective measure or goal of the present invention and claims* (page 191, 1st ¶); (2) *[n]or does Ouimet, Pothos, Boonkun or Huang teach the use of four databases in the present invention's means to determine what the impact of a proposed modification to an original data base would have on a strategic objective goal, without changing the original database, new database and interactive database if the proposed changes were detrimental to the strategic objective goal of the present invention* (page 191, last ¶) and (3) *[n]either looks to determine what impact a proposed action to a work database would have on an entity's strategic objective in and of itself through the use of four databases intended to provide for interactive use of the databases without corrupting the original database* (page 194, last ¶).

33.   With regard to claims 3, 14 and 25, Applicant argues that the prior art of record, specifically that Ouimet's range values of the weighting factor that (4) *[t]hey are not ranges on the strategic objective, nor the tradeoff values* (page 193, 1st ¶)

34.   In response to applicant's arguments (1) against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The reference of Ouimet teaches the comparison of results in ¶ 0071 that "the best result" (e.g., an improvement or an impact neutral) "is obtained by allowing the user to select several optimization methods and to compare the results obtained by using a variety of methods on the same data set", therefore Ouimet determines the impact of those changes on the strategic measure or goal as discussed below in the rejections. The reference of Pothos teaches in ¶ 0137 that "[t]he schedule can be used to produce a Gantt chart on display 16 at step S26.9 in the manner previously described for the original schedule." (e.g., an original database) "The Gantt chart display can provide a display of both the original schedule and the schedule produced" (e.g., a new database) "by the what-if session and so by displaying them side-by-side, a comparison of the changes can be easily made." Pothos teaches to modify an original database and assuming that a work yet to be completed is completed and saving those modifications. Pothos also teaches that in order to determine an impact, a comparison of the changes can be easily made, in a broadest reasonable interpretation, by comparing changes, the impact from those changes is determined.

35.   In response to applicant's arguments (2) and (3). Examiner respectfully disagrees. Ouimet teaches in Figure 3 Data lists and different tables, ¶ 0033: "[t]his computed table essentially provides a relationship between different optimized values…" wherein a database is commonly defined as an integrated collection of logically related records or files which consolidates records into a common pool of data records that provides data for many applications. A database is a collection of information that is organized so that it can easily be accessed, managed, and updated. Therefore, Ouimet teaches a plurality of databases. Ouimet provides in ¶ 0027 which

teaches that "the invention calculates a large number of scenarios and presents the results in a graphic form so that the optimum decision envelope can be visualized for the selected primary objective(s) in light of the selected strategic objective(s)." Ouimet teaches a scenario analysis (e.g., interactive database) which allows a user to select a goal (Figures 4 and 6) and to identify value ranges (Figure 10), it allows the analysis of the costs and benefits based on strategic objectives (Abstract). See also: ¶ 0093-0096 and 0129-0145 which teaches the scenario analysis routine and Figure 12 which illustrates an interactive version wherein a user is allowed to modify it (e.g., a modified database). Pothos teaches as shown in the response to argument (1) the modification of an original database (e.g., original schedule) and the new database (e.g., the scheduled produced). Huang teaches in col. 104, lines 32-36 which "[e]ach time the scenario is saved, the Date Uploaded field of the scenario is automatically changed to the current date and time. The scenario is saved when the user clicks the OK button. If the user clicks the Cancel button, the scenario is not saved". Therefore, in a broadest reasonable interpretation, the combination of Ouimet, Pothos and Huang allows a user to modify a set of data into a database through the use of scenario analysis and what if analysis, the data is modified during the analysis and the result is not saved until is an improvement or neutral (as shown with Huang), based on the strategic objective goal which depend on the manager's judgment and business' need.

36.   In response to applicant's argument (4) that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., nor the tradeoff values) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, Ouimet does teach in Figure 10 a display for entering a weighting range: minimum value and maximum value e.g., an allowable range, ¶ 0033 teaches that "[t]he effective objective function can be optimized through a range of values of the weighting factor, with the results stored in a table. This computed table essentially provides a relationship between different optimized values of the primary objective, the strategic

objective, and the values for the decision variables" and ¶ 0079: "a range of target values" (e.g.,

goals) "for the Strategic Objective");

<div align="center">**Claim Rejections - 35 USC § 103**</div>

37.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

38.   Claims 1, 3, 12, 14, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ouimet (US 2002/0107819 A1) in view of Boonkhun, Analysis of Operations Research Models

Using Activity-Based Costing, The Pennsylvania State University, December 2002, further in both

view of Pothos et al., (US 2003/0041087 A1) hereinafter "Pothos" and Huang et al., (US

5,953,707) hereinafter "Huang".

Claim 1:

Ouimet as shown discloses method for determining if proposed modifications to existing planned

activities are supportive of and consistent with an entity's strategic objective, the method

comprising:

- *c. selecting one of said strategic objectives to be the primary strategic objective*
  (Figure 6, "Select Primary Goal", ¶ 0026, which teaches "select and define a
  primary objective or goal");

- *d. selecting and saving a strategic objective goal chosen by said entity for said
  primary strategic objective* (¶ 0033 which teaches that "[t]he user" (e.g., entity) "is
  thus provided with a way to specify a target value" (e.g., a strategic objective goal)
  "for the strategic objective to attain" and ¶ 0069 which teaches that "[w]hen
  presented with a target value for a Strategic Objective, the system operates to find

the proper weight for the Objective that will yield the target value after optimization"
wherein the strategic objective goal was previously selected and saved);

- *e. listing the possible measures for said primary strategic objective* (¶ 0054-0068,
  which teaches a list of possible measures for said primary strategic objective (e.g.,
  profit));

- *f. selecting one of said possible measures for said primary strategic objective as the
  primary strategic objective measure* (¶ 0069, which teaches that "the task of
  selecting the primary objective from the Aggregate Measure Table may also
  includes the further task of selecting whether the objective is to maximized or
  minimized. Strategic Objectives are also included in the Aggregate Measure Table
  and are selected by the user");

Ouimet fail to explicitly teach the following limitations. However, Boonkhun in an
analogous art of scheduling/planning for the purpose of defining and prioritizing strategic
objectives (page 63) as shown does:

- *a. defining the strategic objectives* (page 63, 3.2.2. Methodology, which teaches
  "[d]efine the strategic objectives/goals of the company");

- *b. prioritizing said strategic objectives* (page 63, 3.2.2. Methodology, which teaches
  "rate the importance of each strategic objective/goal relative to others");

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ouimet
to include the teaching of Boonkhun because the claimed invention is merely a combination of old
elements, and in the combination each element merely would have performed the same function
as it did separately, and one of ordinary skill in the art would have recognized that the results of
the combination were predictable.

Ouimet teaches in ¶ 0093-0096, 0129-0145 and figure 12, the scenario analysis routine
Ouimet and Boonkhun fail to explicitly teach the following limitations. However, Pothos in an

analogous art of scheduling/planning for the purpose of assuming that a work or activity has been completed (¶ 0137) as shown does:

- *g. modifying an original databases to assume that the work yet to be completed has been completed over a planning period and saving said modified databases as a new database* (¶ 0137 which teaches that "[t]he schedule can be used to produce a Gantt chart on display 16 at step S26.9 in the manner previously described for the original schedule." (e.g., an original database) "The Gantt chart display can provide a display of both the original schedule and the schedule produced" (e.g., a new database) "by the what-if session and so by displaying them side-by-side, a comparison of the changes can be easily made." Pothos teaches that the work is assumed to be completed over a planning period in order to compare changes between schedules. See also Figure 26);

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ouimet in view of Boonkhun to include the teaching of Pothos because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Further, Ouimet teaches:

- *h. calculate a first expected strategic objective results, hereinafter first expected results, using said new databases as measured by said primary strategic objective measure over said planning period and saving said first expected results* (¶ 0027 which teaches that "the invention calculates a large number of scenarios (e.g., calculate the first expected result) and presents the results in a graphic form" (e.g., the first expected results are saved in order to be displayed in a graphic form) "so that the optimum decision envelope can be visualized for the selected primary objective(s) in light of the selected strategic objective(s).");

- *i. create an interactive database version of said original databases wherein users are allowed to modify said interactive databases (¶ 0093-0096 and 0129-0145 which teaches the scenario analysis routine and Figure 12 which illustrates an interactive version wherein a user is allowed to modify it);*

- *j. use said modified interactive databases to calculate a second expected strategic objective results, hereinafter second expected results, caused by said interactive database modifications as measured by said primary strategic objective measure for said planning period and saving said second expected results (¶ 0027 which teaches that "the invention calculates a large number of scenarios (e.g., calculate the second expected result) and presents the results in a graphic form" (e.g., the second expected results are saved in order to be displayed in a graphic form) "so that the optimum decision envelope can be visualized for the selected primary objective(s) in light of the selected strategic objective(s).");*

- *k. compare said first expected results with said second expected results to determine if said modifications to said interactive database caused an improvement, a deterioration or was impact neutral to said strategic objective goal and saving the said comparison of said first and second expected result (¶ 0071 which teaches that "the best result" (e.g., an improvement or an impact neutral) "is obtained by allowing the user to select several optimization methods and to compare the results obtained by using a variety of methods on the same data set");*

Ouimet teaches "[t]he effective objective function can be optimized through a range of values of the weighting factor, with the results stored in a table" (Ouimet, ¶ 0033) "a hard disk drive fro storing results and enterprise data" (Ouimet, ¶ 0073) Pothos teaches "the session details can be individually stored at step S26.7" (Pothos, ¶ 0136). Ouimet, Boonkhun and Pothos fail to explicitly teach the following limitations. However, Huang in an analogous art of decision support

system for the purpose of saving or not saving the modifications (col. 104, lines 32-36) as shown

does:

- *l. save said modifications to said interactive databases into said original databases*
  if said second expected results or said comparison of said first expected results and
  said second expected results was an improvement to achieving said strategic
  objective goal (col. 104, lines 32-36 which teaches "[e]ach time the scenario is
  saved, the Date Uploaded field of the scenario is automatically changed to the
  current date and time. The scenario is saved when the user clicks the OK button. If
  the user clicks the Cancel button, the scenario is not saved");

- *m. do not save said modifications to said interactive databases into said original*
  databases if said second expected results or said comparison result of said
  comparison of said first expected results and said second expected results was a
  detriment to achieving said strategic objective goal (col. 104, lines 32-36 which
  teaches "[e]ach time the scenario is saved, the Date Uploaded field of the scenario
  is automatically changed to the current date and time. The scenario is saved when
  the user clicks the OK button. If the user clicks the Cancel button, the scenario is
  not saved");

- *n. save or not save, the choice of saving or not saving to be determined by said*
  entity, said modifications to said interactive databases into said original databases if
  said second expected results or said comparison of said first expected results and
  said second expected results was impact neutral to achieving said strategic
  objective goal; and (col. 104, lines 32-36 which teaches "[e]ach time the scenario is
  saved, the Date Uploaded field of the scenario is automatically changed to the
  current date and time. The scenario is saved when the user clicks the OK button. If
  the user clicks the Cancel button, the scenario is not saved");

Huang teaches the option to save modifications by allowing a user to click the OK button and to not save by clicking the Cancel button. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ouimet in view of Boonkhun and Pothos to save the modification when the comparison result is an improvement, to not save the modifications when the comparison result is a detriment and to decide to save or not save when the comparison result is a neutral impact to achieve the strategic objective goal because the claimed invention is merely a combination of old elements (e.g., what-if analysis, the option to save or not to save), and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable (e.g., allowing a user to save or not save the result based on the strategic objective goal which depend on the manager's judgment and business' need).

In addition, Ouimet teaches:

- *o. periodically save said modifications to the interactive database into said new database and into said interactive database if said modifications were stored in said original databases and repeating steps h, i, j, k, l, m, n and o above* (Figure 12 illustrates the scenario analysis routine that periodically save the modifications);

Claim 12:

The limitations of claim 12 encompass substantially the same scope as claim 1. Accordingly, those similar limitations are rejected in substantially the same manner as claim 1, as described above. The following are the limitations of claim 12 that differ from claim 1.

Ouimet as shown discloses an apparatus for determining if proposed modifications to existing work are supportive of and consistent with an entity's primary strategic objective, the apparatus comprising:

- *a. user interface devices and modules operatively coupled to said apparatus* (¶ 0031: "used through a graphic users interface" "a user is presented with a menu on a display device");

- *b. a memory that stores databases and computer-readable code* (¶ 0073: "a memory 104 for storing program instructions, tables and results");

- *c. said databases including an original database, new database, interactive version of said original database and modified interactive database* (Figure 3 illustrates Data lists and different tables, ¶ 0033: "[t]his computed table essentially provides a relationship between different optimized values..." wherein a database is commonly defined as an integrated collection of logically related records or files which consolidates records into a common pool of data records that provides data for many applications. A database is a collection of information that is organized so that it can easily be accessed, managed, and updated. Therefore, Ouimet teaches databases);

- *d. a processor operatively coupled to said memory, said processor configured to implement said computer-readable code, said code configured to* (¶ 0073: "a processor 105 for performing various kinds of processing and controlling the overall operation");

- *i. receive, load and store* (¶ 0073: "a user enters commands, input functions, etc." "storing results and enterprise data");

- *said apparatus containing or having access to said entity's said databases and Management Information System (hereinafter MIS)* (¶ 0073: "storing results and enterprise data", enterprise data represents the information contained in a management information system);

- *iv. execute said MIS, or a duplicate version of said MIS, over said planning period using said new database (¶ 0073: "storing results and enterprise data", enterprise data represents the information contained in a management information system);*

- *and store and/or output said comparison to said memory, said storage medium and/or output devices of said apparatus (¶ 0073: "a memory 104 for storing program instructions, tables and results");*

Claim 23:

The limitations of claim 23 encompass substantially the same scope as claim 1. Accordingly, those similar limitations are rejected in substantially the same manner as claim 1, as described above. The following are the limitations of claim 23 that differ from claim 1.

Ouimet as shown discloses a computer-readable medium encoded with a computer program for comparing a forecast of a first expected strategic objective results using an existing database of work in a planning period and a forecast of a second expected strategic objective results of any planned changes to said existing database of work in said planning period, said first and second results being calculated in terms of a strategic objective measure and/or goal for a primary strategic objective in order to determine if said planned changes are supportive of and consistent with an entity's primary strategic objective, the computer program comprising:

- *c. said existing database of work, a new database of work containing work assumed completed over said planning period, an interactive database version of said original database and a modified interactive database that contains said planned changes to said original database and said modified interactive database is assumed completed over said planning period* (Figure 3 illustrates Data lists and different tables, ¶ 0033: "[t]his computed table essentially provides a relationship between different optimized values..." wherein a database is commonly defined as an integrated collection of logically related records or files which consolidates records into a common pool of data records that provides data for many

applications. A database is a collection of information that is organized so that it can easily be accessed, managed, and updated. Therefore, Ouimet teaches databases);

- *g. a feature* (¶ 0076: "the scenario analysis") *for modifying the said original database of the said existing planned activities with the said planned changes to the said existing planned activities in the said memory if the said differences between the said first expected results and the said second expected results is an improvement to the said strategic objective measure and/or said target value or if the said second expected result is an improvement to the said strategic objective measure and/or said target value* (intended use));

Claim 3:

Ouimet teaches the following limitation:

- *a. setting an allowable range for the strategic objectives goal and saving said allowable strategic objective range* (Figure 10 illustrates a display for entering a weighting range, ¶ 0033 teaches that "[t]he effective objective function can be optimized through a range of values of the weighting factor, with the results stored in a table. This computed table essentially provides a relationship between different optimized values of the primary objective, the strategic objective, and the values for the decision variables", ¶ 0079: "a range of target values" (e.g., goals) "for the Strategic Objective");

Ouimet teaches "[t]he effective objective function can be optimized through a range of values of the weighting factor, with the results stored in a table" (Ouimet, ¶ 0033) "a hard disk drive fro storing results and enterprise data" (Ouimet, ¶ 0073) Pothos teaches "the session details can be individually stored at step S26.7" (Pothos, ¶ 0136). Ouimet, Boonkhun and Pothos fail to explicitly teach the following limitations. However, Huang in an analogous art of decision support

system for the purpose of saving or not saving the modifications (col. 104, lines 32-36) as shown

does:

- *b. saving said modifications to said interactive databases into said original databases if said second expected result or said comparison between said first expected results and said second expected results was an improvement to achieving said allowable strategic objective range* (col. 104, lines 32-36 which teaches "[e]ach time the scenario is saved, the Date Uploaded field of the scenario is automatically changed to the current date and time. The scenario is saved when the user clicks the OK button. If the user clicks the Cancel button, the scenario is not saved");

- *c. not saving said modifications to said interactive databases into said original databases if said second expected results or said comparison between said first expected results and said second expected results was a detriment to achieving said allowable strategic objective range; and* (col. 104, lines 32-36 which teaches "[e]ach time the scenario is saved, the Date Uploaded field of the scenario is automatically changed to the current date and time. The scenario is saved when the user clicks the OK button. If the user clicks the Cancel button, the scenario is not saved");

- *d. saving or not saving, the choice of saving or not saving to be determined by said entity, said modifications to said interactive databases into said original databases if said second expected results or said comparison between said first expected results and said second expected results was impact neutral to achieving said allowable strategic objective range* (col. 104, lines 32-36 which teaches "[e]ach time the scenario is saved, the Date Uploaded field of the scenario is automatically changed to the current date and time. The scenario is saved when the user clicks the OK button. If the user clicks the Cancel button, the scenario is not saved");

Huang teaches the option to save modifications by allowing a user to click the OK button and to not save by clicking the Cancel button. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ouimet in view of Boonkhun and Pothos to save the modification when the comparison result is an improvement, to not save the modifications when the comparison result is a detriment and to decide to save or not save when the comparison result is a neutral impact to achieve the allowable strategic objective range because the claimed invention is merely a combination of old elements (e.g., what-if analysis, the option to save or not to save), and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable (e.g., allowing a user to save or not save the result based on the allowable strategic objective range which depend on the manager's judgment and business' need).

Claim 14:

The limitations of claim 14 encompass substantially the same scope as claim 3. Accordingly, those similar limitations are rejected in substantially the same manner as claim 3, as described above. The following are the limitations of claim 14 that differ from claim 3.

Ouimet teaches the following limitation:

- *a. receive, load and store preset allowable ranges, as determined by said entity* (¶ 0073: "a user enters commands, input functions, etc." "storing results and enterprise data" and Figure 10 illustrates a display for entering a weighting range, ¶ 0033 teaches that "[t]he effective objective function can be optimized through a range of values of the weighting factor, with the results stored in a table. This computed table essentially provides a relationship between different optimized values of the primary objective, the strategic objective, and the values for the decision variables", ¶ 0079: "a range of target values" (e.g., goals) "for the Strategic Objective");

- *in said memory or storage medium of said apparatus that contains or has access to said databases and said MIS (¶ 0073: "storing results and enterprise data" enterprise data represents the information contained in a management information system);*

Ouimet teaches "[t]he effective objective function can be optimized through a range of values of the weighting factor, with the results stored in a table" (Ouimet, ¶ 0033) "a hard disk drive fro storing results and enterprise data" (Ouimet, ¶ 0073) Pothos teaches "the session details can be individually stored at step S26.7" (Pothos, ¶ 0136). Ouimet, Boonkhun and Pothos fail to explicitly teach the following limitations. However, Huang in an analogous art of decision support system for the purpose of saving or not saving the modifications (col. 104, lines 32-36) as shown does:

- *b. over-write said original databases in said memory or storage medium of said apparatus with said modifications to said interactive databases if said second expected result or said comparison between said first expected results and said second expected results falls within said allowable strategic objective range as determined by said entity* (col. 104, lines 32-36 which teaches "[e]ach time the scenario is saved, the Date Uploaded field of the scenario is automatically changed to the current date and time. The scenario is saved when the user clicks the OK button. If the user clicks the Cancel button, the scenario is not saved");

- *c. prevent said modifications to said interactive databases from over-writing said original databases in said memory or storage medium of said apparatus if said second expected results or said comparison between said first expected results and said second expected results falls outside of said strategic objective measure allowable range; and* (col. 104, lines 32-36 which teaches "[e]ach time the scenario is saved, the Date Uploaded field of the scenario is automatically changed to the

current date and time. The scenario is saved when the user clicks the OK button. If the user clicks the Cancel button, the scenario is not saved");

- *d. over-write or not over-write said original databases in said memory or storage medium of said apparatus, the choice of over-writing or not over-writing to be determined by said entity, with said modifications to said interactive databases if said second expected results or said comparison between said first expected results and said second expected results was impact neutral to said strategic objective allowable range* (col. 104, lines 32-36 which teaches "[e]ach time the scenario is saved, the Date Uploaded field of the scenario is automatically changed to the current date and time. The scenario is saved when the user clicks the OK button. If the user clicks the Cancel button, the scenario is not saved");

Huang teaches the option to save (e.g., over-write) modifications by allowing a user to click the OK button and to not save (e.g., to not over-write) by clicking the Cancel button. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ouimet in view of Boonkhun and Pothos to over-write the modification when the comparison result falls within the allowable strategic objective range, to not over-write the modifications when the comparison result falls outside the strategic objective measure allowable range and to decide to over-writing or not over-writing when the comparison result is a neutral impact to the strategic objective allowable range because the claimed invention is merely a combination of old elements (e.g., what-if analysis, the option to over-write or not to not over-write), and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable (e.g., to over-write or to not over-write the result based on the strategic objective allowable range which depend on the manager's judgment and business' need).

Claim 25:

Ouimet teaches the following limitation:

- *a. a range of acceptable strategic objective measures and/or goal as determined by said entity; and* (Figure 10 illustrates a display for entering a weighting range, ¶ 0033 teaches that "[t]he effective objective function can be optimized through a range of values of the weighting factor, with the results stored in a table. This computed table essentially provides a relationship between different optimized values of the primary objective, the strategic objective, and the values for the decision variables" and ¶ 0079: "a range of target values" (e.g., goals) "for the Strategic Objective");

- *b. a feature* (¶ 0076: "the scenario analysis") *for modifying said original with said modified interactive database in said memory if said differences between said first expected results and said second expected results are within said range of acceptable strategic measures and/or goal or if said second expected result is are within said range of the acceptable strategic measures* (intended use));

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nadja Chong** whose telephone number is **571.270.3939.** The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.   If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **BETH BOSWELL** can be reached at **571.272.6737**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov >. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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